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The Columbian Balance, and Repository.

" HAIL SACRED POLITY, BY FREEDOM REAR'D !
" HAIL SACRED FREEDOM, WHEN BY LAW RESTRAIN'D !"
BEATTIE.

HUDSON, (New-York) TUESDAY, August 30, 1803.

Original Eſſays.

Hither the products of your closet-labors bring,
Enrich our columns, and instruct mankind.

FOR THE BALANCE.

No. III.

A COMPARATIVE VIEW OF THE DISADVANTAGES AND BENEFITS, WHICH WOULD PROBABLY ACCRUE TO THE UNITED STATES, FROM AN ENLARGEMENT OF THEIR TERRITORIAL LIMITS BY THE PURCHASE OF EITHER

LOUISIANA OR THE FLORIDAS.

" MONEY is the ſinews of war ;" and even in a ſtate of national peace and ſecurity, the wheels of buſineſs can never be made to move with eaſe and celerity without a conſtant application of this *magic oil*. A ſufficient plenty and a due circulation of money, from the centre to the extremities of a country, like blood circulating in the bodies of animals, is the life-ſpring to agriculture, manufactures and commerce.

Mr. Livingſton, in his memorial, makes upon this ſubject ſome very pertinent remarks, which are well worthy of notice and conſideration. Speaking of France, he ſays, " Her ſoil, climate, and local ſituation give her, as a commercial, and eſpecially as a manufacturing nation, great advantages over all the nations of Europe. The ſpirit of invention, the taſte and induſtry of its inhabitants, place her in the firſt rank. But thoſe advantages are wonderfully abridged *by the want of capitals* ſufficient to make uſe of them. A rival nation, greatly inferior in every one of theſe particulars, has by the effect alone of an immenſe capital, obtained the ſuperiority, not only in commerce, but alſo in manufactures : and theſe advantages, by increaſing the national fortune, furniſh it with the means of obtaining that very ſuperiority."

" Capitals increaſe the number of manufactures, by the introduction of machines, by the regular payment of workmen, by the reduction of the intereſt of money, and eſpecially by the poſſeſſion of new markets."

The honourable memorialiſt proceeds to point out the injurious conſequences of " uſing the capitals of the nation in diſtant countries ;" of " multiplying points of defence ;" and of " ſquandering away the capitals they want at home." He ſtates that notwithſtanding the extreme fertility of the Weſt-India Iſlands, " It is folly to believe that they will yield to France a compenſation for her actual outſets, unleſs it be after a great many years ;" and that " the national expenditures will increaſe with her colonies." He incidentally mentions " The pains, the expences and loſs of men, which are inſeparable from new ſettlements, in a marſhy country and a burning climate ; the invaſions of Indians ; the inſurrection of ſlaves," &c. He puts the queſtion, " *Has France a ſuperfluity of men and money great enough to juſtify the ſettling of a new colony ?*" He remarks that " tho' ſettled for one century, Louiſiana has never proſpered under the French or Spaniſh Government ;" that " one century at leaſt will paſs away, before France may want poſſeſſions of that kind ;" that its ſettlement by the French " would divert capitals from a much more important channel ;" and that " the expence of ſuch an eſtabliſhment might ruin the public treaſury."

Theſe juſt and weighty remarks of the honourable memorialiſt, while they prove that France would inevitably be impoveriſhed by diſſipating its capitals in the ſettling of Louiſiana, do alſo apply, even with much greater force, to the United States. It cannot ſurely be pretended that there is in this country " *a ſuperfluity of money*." It has no mines of gold and ſilver ; and all the money it poſſeſſes or that it ever can acquire, has been and muſt be purchaſed from foreign countries, by the labour of its inhabitants. If indeed there were now a large national capital in the public treaſury, it would be needed at home, for the inſtruction of children where ſchools at private expence are impracticable, and for a great variety of other uſeful and neceſſary improvements among a young and increaſing people : but inſtead of poſſeſſing a clear capital in caſh, this nation is loaded with a great debt,—the price, in part, of its independence.—— So lately as fourteen or fifteen years ago, an extreme ſcarcity of money was felt throughout the Union. Lands and almoſt every ſpecies of property fell, in ſome places, more than fifty per cent.—Public and private embarraſſment and diſtreſs was the conſequence ; and many families were ruined.

A concurrence of remarkable incidents, ſuch as in their full combination, will probably never happen again, poured into this country, during the convulſions in Europe, an abundance of caſh. Such ſtreams of gold and ſilver no longer flow in upon our ſhores : the current has turn-

ed; and money is very perceptibly becoming ſcarcer. Incidents may ſoon happen, which might render the ſcarcity of money extremely diſtreſſing. The *apparent* quantity of money, in this country, is much greater than the *real* quantity. As the governments of the individual ſtates, as well as that of the Union, poſſeſs the power of eſtabliſhing *banks*, and of multiplying them indefinitely, the banking ſyſtem has already been carried to an unprecedented extent. Bank-paper is not money, but only the repreſentative of money: its value and its currency depend entirely on credit. If only one capital bank ſhould fail, it would ſhake the credit of others: if the banks generally ſhould ſtop their diſcounts or reduce them nearly to the amount of their capitals, a very diſtreſſing ſcarcity of money would immediately enſue. The ſame would happen, ſhould a ſudden and general ſhock be given to commerce, from whence the national revenues are principally drawn. In combining and weighing all theſe circumſtances, it ſeems evident that a large additional debt muſt be productive of very injurious conſequences to the nation; and that prudence dictates its avoidance, *unleſs there ſhould be a certain proſpect that the benefits ariſing from the purchaſed poſſeſſion will over-balance the evils, which will flow from the loſs of the purchaſe money.* The annual intereſt of ſuch a debt would be a great and conſtant drain of caſh from this country; and, paid to a foreign nation, it would go whence it could not return.

It is alſo to be conſidered that the premiſes, for which the nation's money is to be given, (New-Orleans excepted) will, *for a long time*, be productive of heavy charges, without any benefits. If left to remain unſettled, the nation by this bargain will merely "multiply points of defence;" for it will be bound in honour, if not in intereſt, to defend any part of its territory, however great might be the expences which ſuch defence would coſt. If, on the other hand, the nation ſhould attempt a ſpeedy ſettlement of its newly acquired poſſeſſions, (not to mention the loſs that would be ſuſtained by the emigration of ſettlers from its preſent territory, who might be much more uſefully employed at home,) its "capitals would, by ſuch an effort, be diverted from a much more important channel;" "the national expenditures would be increaſed," in rearing and ſupporting infant governments: and "it is folly to believe that thoſe new ſettlements would yield to this country a compenſation for her actual outſets, unleſs it be after a great many years."

In this view, which the memorial itſelf has ſketched and exhibited, it appears that the vaſt wilderneſs, the poſſeſſion whereof by the United States is contemplated, will coſt much in its purchaſe, ſomething in its defence, and much in its ſettlement; and that "a great many years will paſs away," before it will, in any meaſure, compenſate for theſe national outſets.

CALCULATOR.

Balance Closet.

The head-men of the democrats have given their poor printers an almost insurmountable task to perform—that is, the justification or palliation of the proceedings against Croswell. Duane has too much cunning to broach the subject; and, therefore, has laid it up carefully on the same shelf with Gabriel Jones's letter, which he cannot be provoked to publish. Others have told but a part of the story, cautiously avoiding to say any thing about *giving the truth in evidence*; while a few luckless wights, particularly the servile creatures of the Attorney-General, have undertaken to justify the whole transaction, by declaring that *the federalists have acted every atom as bad.* Now, if this were true, (which, however, we positively deny in the outset) we cannot conceive how the misconduct of federalists can, in any degree, palliate the same misconduct of democrats. We have been told, by the democrats, that every essential measure of the federalists tended directly to tyranny, to monarchy, to aristocracy—and none more so, than their restrictions upon the licentiousness of the press; and yet, now that the people begin to grow indignant at the late attempts upon the press, the best excuse the democrats can make, is, that they are only travelling in the very steps of the federalists—that they, too, are pursuing the identical road to tyranny, &c. The reader will undoubtedly feel the full force of such reasoning. To prove that they behave *no worse* than the federalists, the democrats have mentioned three instances in which their brethren have been indicted for libels, and debarred from the privilege of giving the truth in evidence. Frothingham, Carlton and Adams, are held up as candidates for the commisseration of the world—as victims to federal vengeance, &c. &c. The falshoods concerning these men have been repeated so often, that they demand a refutation.

Frothingham was indicted for a libel on General Hamilton. On the trial, Gen. Hamilton requested the court to permit Frothingham to justify by giving the truth in evidence. Frothingham, however, declined offering any proof of the *truth* of his charge. It was then proposed, on the part of the people, to prove that the charge against Gen. Hamilton was *false*. The counsel for Frothingham declared this to be unnecessary and improper, as it was not pretended, on their side, that the publication was *true*—they admitted it was *false*. But the defence was of another kind, to wit, that the publication was copied from another paper, &c. This statement is correct; and no person, who values his reputation at half a grain of honey, will have the hardihood to deny it. How, then, can this case be brought to justify the proceedings against Croswell, who offered to prove the *truth* of his publication, but was not permitted? If the real defence which was set up in the case of Frothingham, could avail any thing, Croswell certainly had much stronger ground for such a defence; for the charge which he repeated, had been previously published in almost every federal paper in the union.

Carlton printer of the Salem (Mass.) Register, was indicted for a libel on Timothy Pickering, Esq. On the trial, he was allowed the privilege of introducing witnesses to prove the truth of his charges. He was unable to prove them, and was consequently convicted.

Adams was indicted for a libel on a Judge (we believe, Dana) of Massachusetts; and whether he was permitted to justify by giving the truth in evidence, or not, we are not informed. Admitting, however, that he was not—the case is by no means analagous to that of Croswell. There is an essential difference between a libel on a judge, and a libel on the president. A judge holds his office during good behavior, and can be removed only by impeachment. It can, therefore, answer no good purpose to publish his faults to the world. If he is guilty of misconduct in his office, he will be removed by the proper authority. The people, if they are made acquainted with the misdemeanors of a judge, have not the power to displace him; they can, therefore, reap no advantage from an investigation of his conduct. But the president is an elective officer. He is chosen, *by the people*, at stated periods. His character and conduct should, therefore, be known by *the people*.——We deem it unnecessary to enlarge on this head—as the subject was discussed in an ample and masterly manner by "Cato," in our last week's paper, to which the reader is referred.

The above facts, taken in connection with the Sedition Law, prove clearly that the federalists have ever acted upon the principle, that TRUTH TOLD OF AN ELECTIVE OFFICER, COULD NEVER BE PUNISHED AS A LIBEL.

"Equal and exact justice to all men."

In the Supreme Court, on the last day of term, Mr. Attorney-General Spencer moved and obtained a rule against Samuel S. Freer, the publisher of the Ulster Gazette, that he shew cause, by the first day of next term, why an attachment should not issue against him for contempt of court, in publishing certain observations respecting the trial of Croswell.

We shall not so far depart from the principles and practice of federalism, as to question the propriety of this proceeding. Mr. Freer is a federalist; and, in common with every other federalist who conducts with the same independence and uprightness, he has our friendship and regard. We hope, therefore, that he has published nothing that will subject him to the rigours of the law. At any rate, he may rest, with perfect safety, on the decision of the Supreme Court—a court, which we are happy to say, has not sacrificed the independence of the judicial bench, to the views of any party. Mr. Freer must be sensible of the necessity of maintaining the dignity and respectability of our judiciary. The judges of our high courts stand on sacred ground, and ought to be approached with reverence—tho' not with timidity or servility. Our political

opponents, no doubt, hold a different opinion. Jacobinism is triumphant, when it has stripped the judicial bench of its dignity. Democracy, not content with the power of controuling two branches of our government, is panting to bend the judiciary to its will. We hope, however, never to see the time, when a judge of our Supreme Court will stoop so low as to place his nose between the thumb and finger of any daring jacobin, or aspiring demagogue.—But, we are wandering from our subject. We began this article, for the purpose of stating a fact concerning our serene and benign Attorney-General. And we would ask, in the first place, if "equal and exact justice to all men, of whatever political sect," does not require, that a democrat should be as much amenable to the law, as a federalist? Or, whether an Attorney-General, when he qualifies for office, solemnly pledges himself to become the *public prosecutor of only one political sect?* Leaving these questions to be solved by whom they may concern, at leisure, we assert (for we have authority for the assertion) that a gentleman did point out to our most gracious Attorney-General, a few minutes after he had obtained the rule against Mr. Freer, two papers (the *Bee* and the *Citizen*) both containing matter equally in contempt of the court, with that published by Mr. Freer. Not the least notice was taken of those papers.—This is a fact of a serious nature. It speaks for itself—and furnishes its own comment. Let the people read and understand.

More of the same.

We admire the zeal and *impartiality* with which our Attorney-General executes the duties of his office: But, one man can't see and hear every thing. We, therefore, beg leave to ask his highness a question or two, with the view of keeping his vigilance awake.—If it is criminal in federalists to speak evil of dignities, is it not equally so in democrats? Do not the democrats call Vice-President Burr, a "traitor," and Judge Chase, the "American Jefferies?" Have the democrats been indicted for these things? —Suppose our friend "Mark Anthony," of the Bee-office, should take it in his head to apply his comical fable of the lawyer and farmer to this affair. —"*Oh! the case is altered!*"

Mr. "Mark-Anthony" Holt, as might have been expected, has undertaken the defence of the "Young Democrat," who recently robbed us of a shilling; and, if any thing can be gathered from his remarks, he actually approves of this democratic mode of "supporting government"—Nay, we might be led so suspect that he would not think hard of serving us the same sort of trick.—The most plausible excuse that he offers for the New-Jersey thief, is, that he (Holt) had once been served just such a trick by a federalist.—We beg Mr. "Anthony's" pardon—but, really, we cannot believe a word of this story.

It is not true, as asserted in the Bee, that the federalists now quote the opinions of Madison and Wortman, "as orthodox doctrine and standard authority." They quote those writings to shew the vast difference between democratic *profession* and *practice*—to shew what those men could *write* one year, and how they can *act* the next—to shew that the democrats have obtained the power they now possess, by canting and hypocrisy—to shew that they have deceived the people by making the most false and hollow pretensions. And the democrats may rest assured, that while the *writings* of some high and leading democrats exist, and while their *conduct* is on record, they will never be able to wipe away the charge of hypocrisy, meanness and inconsistency, which the federalists have bro't against them.

"Mark Anthony," sometimes called Charles Holt, has been good enough to inform his readers what the democrats meant by "*the reign of terror*," so often mentioned by them in former and latter times. He says it is founded on a passage in scripture, where it is said the *magistrate shall be a terror to evil doers.*

"Corrector's" *truth*, is like Tom Paine's *religion*—neither here nor there, nor any where else. But we wonder he is not ashamed to plead his *ignorance* in excuse for his falshoods. "Are they the less *false* for that?"

The Bee has renewed one of Callender's old stories about Judge Chase. We thought that Callender would again be quoted by the democrats as good authority, as soon as it was out of his power to injure them.

[OMITTED LAST WEEK.]

The democrats have often condemned Judge Chase for what they were pleased to term his tyrannical, arbitrary and oppressive conduct under the Sedition Law. He has been represented as a ferocious, persecuting, merciless monster, who employed his judicial power in harrassing and destroying democratic printers. On account of his conduct in the case of Callender, he has been particularly censured; and the doctrines and opinions which he advanced in that case, have been pronounced cruel and unjust. A friend has put into our hands a report of the trial of Callender (for writing and publishing the "Prospect") from which we make the following extracts:—

"Mr. Hay, counsel for Callender [the same Geo. Hay, whose *club law* and *common law* lately bore so heavily on the same Callender] in the course of his argument, laid down this position, 'that petit juries have an unquestionable right to decide the law as well as the fact in all cases, and that the court had no right to controul their verdict.' Judge Chase observed that he admittted that the petit jury had a right to *decide the* LAW *as well as the* FACT in all criminal cases (and in this class he included prosecutions for libels) and consequently to give a general verdict of guilt or acquittal, and that *the court had no right to refuse or controul such a verdict.*"

The following are some of the most prominent positions in Judge Chase's observations:—

"The indictment charges that the traverser on the 1st day of February 1800, designing and intending to defame the President of the United States, and to bring him into contempt and disrepute, and to excite the hatred of the good people of the United States against him, did wickedly and maliciously, write, print, utter and publish (or did cause or procure to be printed and published) a *false*, scandalous and malicious writing against the said President of the United States, of the tenor and effect stated in the indictment. On examining the indictment, it appears, that twenty separate and distinct setts of words, are set forth therein, as allegations or charges against the traverser. He has pled "not guilty" to all of them.

"To support this indictmen on behalf of the government of the United States, it must be proved to the jury—first, that the traverser did write, print, utter, or publish, or did cause or procure to be printed or published, a *false* and scandalous writing against the President of the United States; secondly, that the said writing is *false*, scandalous, and malicious; and thirdly, that it was published with *intent to defame* the President, &c. as stated in the statute, and charged in the indictment.

"If these three facts shall be established to the satisfaction of the jury, they must find the traverser *guilty, generally* unless he can prove to them *the truth of the matter contained in the publication* in which case the statute on which the traverser is indicted excuses him. If *all the twenty* setts of words stated in the indictment as charged against the traverser shall not be proved against him; or *if* he can prove that any of them *are true*, the jury will acquit him of such of them as shall not be established against him, and such of them as *he can prove to be true* and they will find him guilty of the residue.

"These enquiries on behalf of the government of the United States, and on the part of the traverser, are proper for and within the jurisdiction and the terms of the oath of the petit jury, who have been sworn "that they will *well and truly try the issue joined* between the United States and the traverser at the bar, *and a true verdict give according to their evidence.*"

As we proceed in the history of the trial of the junior editor, our readers will be enabled to discover the striking contrast between the above sentiments, and those advanced by Mr. Chief Justice Lewis, particularly on the following points:—

1st. The right of the petit jury to judge both of *law* and *fact.*

2nd. The right of the court to *controul the verdict.*

3rd. The right of proving the *truth* of the charges.

4th. The right of the jury to judge of the *malice* of the publication.

5th. The same right to judge of the *intent*, &c.

Agricultural.

FOR THE BALANCE.

ON THE CULTURE OF SILK.

SEVERAL attempts have been made, in this extenſive country, to raiſe ſilk. It has been attempted, in the Southern States, where the climate ſeems moſt favourable to this kind of production; but the attempts have not been purſued there with perſeverance, or on a large ſcale; the abundance and richneſs of their lands probably affording more profitable employments for their ſlaves, than the culture of ſilk.

No where, in the United States, has this kind of culture received ſo much attention, as by ſome of the enterprizing people of Connecticut. I remember to have ſeen an account, nearly thirty years ago, of a young lady, the daughter of an opulent farmer in Connecticut, who was married in a ſilk gown, that ſhe ſpun, wove, and made up, with her own hands; and which was the production of ſilk worms, which ſhe had tended and fed with mulberry-leaves.

Mr. Nathaniel Aſpinwall, of New-Haven, has diſtinguiſhed himſelf, much more than any other man in this country, by endeavours at raiſing ſilk. He planted many mulberry trees, at New-Haven; alſo a nurſery of them at Philadelphia, and another at Princetown, in New-Jerſey: how far his laudable endeavours have proved ſucceſsful, I am not able to ſay.

The Chineſe cultivate ſilk with ſuch eaſe and abundance, that they reckon it among the cheapeſt of their cloathing. In France, the Southernmoſt parts of which are in the 42d degree of North latitude, as well as in Spain, Portugal and Italy, which lie further South, ſilk is raiſed in great plenty.

There can be no doubt but the ſoil and climate of much of the United States are favourable for the production of this valuable article: but while there ſhall continue to be a ſuperfluity of land, and a ſcarcity of labourers, many uſeful branches of cultivation will be neglected.

Perhaps, ſome centuries hence, mulberry-trees will be as plenty in this country, as apple-trees; and the women will be ſeen cloathed in ſilk, of their own raiſing and manufacture.

Monitorial Department.

To aid the cauſe of virtue and religion.

FOR THE BALANCE.

LORD LYTTLETON'S VISION AND DEATH.

THE hardened monſter, who is in the habitual practice of corrupting female innocence, is no better than a murderer. The victims of his ſeductive arts frequently ſuffer ſhame and wretchedneſs worſe than death; while a wound, that can never be healed, is inflicted on the hearts of their neareſt relations. To many a loſt girl, and to the family whereto ſhe belonged, it would have been comparatively a mercy if ſhe had died, while undebauched, by the hand of an aſſaſſin. And as the murderer, ſo the ſeducer, has ſometimes been viſited in a ſingularly awful manner by the hand of Heaven.

The death of Lord Lyttleton was a remarkable inſtance of the interpoſition of Divine Providence, in the puniſhment of a moſt notorious debauchee and ſeducer.

Lord Lyttleton, the elder, was diſtinguiſhed for learning, taſte and piety. His lady was among the moſt excellent and amiable of her ſex. Their ſon, the heir to the family-eſtate and title, breaking thro' the reſtraints of a virtuous education, and ſpurning the counſels of the beſt of parents, was remarkable for the atheiſm and lewdneſs of his character, and as a deſtroyer of female virtue.

Near Hagley-Park, in Worceſterſhire, the ſeat of Lord Lyttleton, there lived, in the year 1779, a widow lady, "of exalted underſtanding and great dignity of manners;" and, together with her three daughters, the eldeſt nineteen, the next ſeventeen, and the youngeſt fifteen—her huſband, and their father, a very reſpectable gentleman, having died the year before. Theſe young ladies the nobleman had marked as his prey. Accordingly he was aſſiduous in his viſits and attentions to the family: the gratitude of the girls he won by a new-year's preſent; and with a view to ingratiate himſelf with the mother and to lay her ſuſpicions aſleep, he wrote her a letter, in the ſcripture ſtyle, that was filled with virtuous leſſons of advice to herſelf and daughters. Theſe arts of infernal hypocriſy ſucceeded.—The girls were all decoyed from the manſion of their mother; and took up their reſidence with his Lordſhip, at Hagley-Park.

In the month of September, ſoon after their elopement from their mother's houſe, the ſecond daughter accompanied his Lordſhip to Ireland;—and, on their return, the other two, who had remained at Hagley-Park, met them at the place of their landing; and they all came up together to his Lordſhip's ſeat, in Hill-Street, Berkley-Square, London, where they continued till November.

"On the 26th of that month, about two in the morning, Lord Lyttleton was awakened by ſomething like the fluttering of a bird among the curtains of his bed, which ſuddenly eſcaped, and the figure of a woman of majeſtic aſpect (the very figure of the mother of the young ladies, as declared by his Lordſhip,) made her appearance, and told him to prepare for his departure for another world, for that within three days, he ſhould be with her in the ſtate of the dead. This moſt extraordinary occurrence making a deep impreſſion on the mind of Lord Lyttleton, he, early in the morning communicated it to the Ladies, who ridiculed what appeared to them the effect of an heated imagination; and to divert his gloom, propoſed a viſit to Epſon, where his Lordſhip had a ſeat that he won from Lord Foley. Here they ſpent the night, and the following day returned to Hill-ſtreet, where a party was invited to meet them. Not all the jocularity exerted on the occaſion could diſſipate the anxiety of his Lordſhip, though he affected to treat the circumſtance with contempt; and exclaimed, upon retiring, "*If I live over to night, I ſhall jockey the ghoſt.*"

"The young ladies accompanied *his* Lordſhip to his room, to notice ſome paintings, and preſently retired; when, before they were undreſſed, a ſervant ran haſtily to their door demanding admittance, and declared that his Lordſhip was dying. Before the ladies could reach his room his Lordſhip was ſpeechleſs, and on their entry expired in great agonies. What renders the circumſtance ſtill more remarkable is, that the next poſt brought the young ladies an account of their mother's death, who departed preciſely at the time when Lord Lyttleton ſaw the viſion."

This extraordinary narrative is more fully and circumſtantially given, in a late London paper; and is confidently declared to be authentic.

Literary Notice.

PROPOSALS are iſſued by Obadiah Penniman & Co. of Troy, and D. & S. Whiting, of Albany, for publiſhing two neat editions, one Demy Quarto, the other, (being one ſize larger) Royal Quarto, of the HOLY BIBLE.—The conditions, &c. may be ſeen at the Balance Office, where ſubſcriptions will be received.

Liberty of the Press.

A CORRECT HISTORY OF HARRY CROSWELL's TRIAL.

(CONTINUED.)

IT was then contended, that, as this was clearly charged on the indictment as a public libel, or a libel on government, attacked in the perſon of its higheſt officer, even by the common law of England *at this day*, the truth might be given in evi dence; and that it was a juſtification of the perſon indicted. To this point ſeveral authorities were cited. It was forcibly and lengthily contended; but as this was not the ſtrongeſt ground; and as we are not properly qualified to report it, we proceed to the next point.

They ſaid, let the law of England be what it might;—let that *Monarchy* have planted millions of iron barriers around the throne, and ſhielded his majeſty from the eye and the animadverſions of the public;—let them bow before his throne, and acknowledge him their ſovereign—the ſource of all honour—all power; let them think *he can do no wrong*. In this country the ſcene was very different. Here we have a preſident. That preſident is not a monarch. He is not a ſovereign. The people are ſovereign; and the preſident is but their *ſervant*. They are the ſource of power; and he is reſponſible to them. All this—all the power of the government—all the rights of the people—are defined and ſecured by a conſtitution. They are not dependent upon the Engliſh law, any farther than that law is adopted by the conſtitution of this ſtate.—They then read the following clauſe from the conſtitution:—

"That all ſuch parts of the ſaid com-
"mon law, and all ſuch of the ſaid ſtatutes,
"and acts aforeſaid, or parts thereof, as
"may be conſtrued to eſtabliſh or main-
"tain any particular denomination of
"Chriſtians, or their miniſters, or con-
"cern the allegiance heretofore yielded
"to, and the ſupremacy, ſovereignty,
"government or prerogatives, claimed or
"exerciſed by the king of Great-Britain
"and his predeceſſors, over the colony of
"New-York and its inhabitants, OR
"ARE REPUGNANT TO THIS
"CONSTITUTION, be, and they here-
"by are ABROGATED AND RE-
"JECTED."

The queſtion, then, they ſaid, was reduced to this point. Admitting that the law of England prohibits the giving of the truth in evidence, is that law repugnant to the ſpirit of the conſtitution of this ſtate, and the genius of a republican government? If it is, the conſtitution declares it not the law of this ſtate in thoſe emphatic words—"IT IS HEREBY ABROGATED AND REJECTED."

The grand principle upon which every republican government is founded; and that, indeed, which diſtinguiſhes it from all other governments, is a fair and full reſponſibility of officers to the people: Or, in other words, that the people are the ſovereign—their officers are their ſervants; and, conſequently, that the latter are dependent upon the former, and accountable to them for all their conduct. This principle of reſponſibility, is a prominent feature in our conſtitution and government. It is this which inſpires the whole maſs, and gives it life, beauty and vigour. In our conſtitution, this principle is exerciſed by the people and felt by the officer in two ways. Firſt, the people have here the right of impeaching; and, ſecond, they have the right of election. And by the full and free exerciſe of theſe two rights, the people can always preſerve themſelves from ſlavery. They can always keep the ambitious in awe. They can carry to the ſoul of the tyrant, a conviction of his weakneſs; and they can ſtrip the canting demagogue of his brief authority. But of theſe two rights—the right of impeachment, and the right of election—the latter is infinitely more important that the former. The former, it is true, may graſp the ſturdy criminal—it may, ſometimes, arreſt the traitor in the midſt of his career. But the man who can pronounce that the right of impeachment is ſufficient to preſerve the people from the arts of the crafty—the efforts of the hypocritical, and the bold attemps of the tyrant, will, at the ſame time, pronounce his ignorance of hiſtory, and total inattention to the precepts of experience. How frequent have public crimes tranſpired! How few have been puniſhed by impeachment!

Thoſe vererable patriots who framed our conſtitution, well knew the ineffi-cienty of ſuch a power. They, therefore, ſecured to the people the right of periodical election. They plainly ſaw, that ſuch a weapon, in the hands of the people, was neceſſary to their defence againſt the ambition of the great, and the treachery of rulers. By this right, they placed the whole government in the hands of the people. They gave them power to remove thoſe who ſhould diſplay principles hoſtile to the conſtitution—hoſtile to liberty, or inconſiſtent with the public good. In ſhort, by this right of election, they made the people ſovereign—ſecured to them the power of calling their ſervants periodically and frequently to anſwer for their conduct, that if they were found honeſt and capable, and faithful to the conſtitution, they might be honoured and advanced—if the reverſe, that they might be conſigned to private infamy.

A right of ſuch conſequence, ſurely ſhould be held ſacred. A power which ſecures and protects every right and privilege which the people poſſeſs, ought to be watched with a jealous eye: And that principle which invades it, together with its author, ought to be followed by the execration of the people.

Should any man attempt to introduce into this ſtate, a principle of common law, which, in plain terms, ſhould forbid the right of periodical elections, would he not be arreſted by the Court? Would not the Court anſwer, "Sir, the right of ſuffrage is ſecured by the conſtitution; this law invades that right, it is, then, repugnant to the conſtitution, and is, therefore, abrogated and rejected."

But, although this part of the common law, which forbids the giving of the truth in evidence, does not, in expreſs terms, forbid the holding of elections; yet it renders them of no effect: It reduces them to mere forms. It deſtroys all the beneficial effects which the conſtitution deſigned ſhould flow from them. For, ſurely, if the truth cannot be given in evidence, as a juſtification, no man, no printer will dare to publiſh facts, if thoſe facts impeach the character, expoſe the vices, and reprehend the mal-conduct of a preſident. The truth will be wholly reſtrained. Information of the true character and real conduct of thoſe in power, will never be received by the people. And of what uſe, they aſked, would elections be, if that knowledge, that information, *that truth*, which would enable the people to judge correctly, is thus prohibited? Is it not the very object, the very eſſence of elections, to correct abuſes in government? To cruſh the firſt ſymptoms of treachery or oppreſſion? But if the publication of the truth is prohibited, can this be done? Can the people judge correctly? Will they know who is treacherous and who is faithful? Who deſerves and who betrays their confidence? Will they not come forward at elections, ignorant of the real merit of every candidate? And will they not thus be liable to the impoſition of every influential demagogue? Can it be denied, that theſe will be the legitimate conſequences of prohibiting a publication of truth? And can it be denied, that a law pregnant with ſuch conſequences, is repugnant to the true ſpirit of the conſtitution? Is not one check on power, which the conſtitution has placed in the hands of the people, wholly deſtroyed? It is true, ſuch a law will not prohibit the holding of elections. People may continue to vote: But will they know for whom, or for what, they vote? No! elections will become little better than ridiculous

forms. If that correct information, requiſite to render them effectual to the purpoſes deſigned by the conſtitution, is prohibited, the ſpirit of the conſtitution is invaded. Will not, then, the Court ſay, "Although this law does not forbid elections, yet it deſtroys their whole benefit. Although it permits the form to remain, it takes away the ſubſtance. If it prohibited elections in expreſs terms, it would clearly be unconſtitutional. As it tends to undermine the right of ſuffrage—as it clearly deſtroys every benefit which the conſtitution deſigned ſhould flow from an execriſe of that right, it is repugnant to the ſpirit of the conſtitution; and, in the ſtrong language of the conſtitution, "*it is hereby abrogated and rejected.*"

That this law, prohibiting the giving of the truth in evidence, would completely ſhackle the preſs, reſtrain the freedom of public diſcuſſion, and prevent the publication of truth, they contended, could not be doubted. That ſame law of libels, which is now attempted to be eſtabliſhed, declares that any publication, which tends to bring into contempt or diſrepute an officer of government, is a libel.

Can any publication be made, which diſapproves any meaſure of government, without tending to bring ſome officer into diſrepute or contempt? What, then, is meant by "freedom of diſcuſſion"—"Liberty of the preſs?" Is it the liberty of applauding the meaſures of our government, right or wrong—of ſinging hallelujahs, indiſcriminately, to the patriot and the demagogue? Such a *liberty*, would be the very *ſecurity* which the demagogue and the ambitious would deſire. Under the influence of ſuch a *liberty*, the preſs would be converted into an efficient engine of tyranny. No longer, with that boldneſs and energy which has hitherto attended it, would it unmaſk treachery and artifice. All its energy would be exerted to ſhield from public inſpection the conduct of our rulers. It would finally ſucceed; and we might be blindly led victims to the altar of tyranny, before we ſhould hear one whiſper of danger.

They contended, that the only line which could be drawn between the liberty and licentiouſneſs of the preſs, was the great line which ſeparates *truth* from *falſhood*. This was the line marked by the law called the Sedition Law. And ſuch a line is prefcribed by the true ſpirit of our conſtitution—by every principle of republicaniſm. It is conformable to the great laws of morality and juſtice. No other line can be drawn, which will not invade the liberty of the preſs; which will not invade that reſponſibility of officers to the people, which is ſecured by the conſtitution. If any one publiſhes falſhood, let him be puniſhed. If he publiſhes truth, let him be acquitted. But, let no one be fined and impriſoned, for exerciſing a right, ſecured by the conſtitution of this ſtate, and guaranteed by every principle which deſerves the name of republican. At all events, they ſaid, as this was a queſtion of ſuch vaſt importance, not only to Croſwell, but to the whole community; and, as it certainly was a queſtion of doubt and difficulty, they truſted that his honor would not, by a haſty deciſion, at *Niſi Prius*, compel the defendant to trial; but would permit the queſtion to be ſettled by an application to the Supreme Cout for a commiſſion, which application they engaged to make at the next term.

Such was the general ſcope of the arguments for the defendant. We preeend not to give the language of the counſel; but we believe we have correctly ſtated the grounds of the application.

Mr. Spencer roſe—but Judge Lewis informed him that it was unneceſſary for him to reply. Mr. Spencer ſaid, he was not about to anſwer the arguments of the gentlemen; but merely to read a ſtipulation into which the counſel for Mr. Croſwell had entered at the laſt ſeſſions, to try the cauſe at this circuit. The judge told him, that, as that ſtipulation had not been made a rule of court, he could not notice it—it was of no effect.

His honor then expreſſed his opinion nearly in theſe words:—I am aſtoniſhed at this application. The law is ſettled, that the truth of the matter publiſhed cannot be given in evidence by way of juſtification. If, after conviction, ſuch evidence were offered to the court, in mitigation of the puniſhment, it would be received. I am aſtoniſhed that the witneſs upon whom the defendant relies, ſhould be the very man whom one of the defendant's counſel had called an infamous libeller. I am aſtoniſhed, too, that conſiderations of policy are urged, in order to ſubvert a ſettled rule of law. I very much regret that the law is not otherwiſe; but, as I am to declare what the law is, I cannot, on this ground, put off the trial of the cauſe. I therefore pronounce this to be the law—that the defendant, if he thinks proper, may bring up the queſtion before the Supreme Court. I am aſtoniſhed, however, that this application ſhould be made at all, when Mr. Van Neſs, of counſel for the defendant, this morning moved to bring on the trial.—

Here Mr. V. Neſs obſerved that his honor had wholly miſunderſtood him. When the Attorney-General moved to bring on the trial, he ſaid he had remarked that he conſidered it the right of the defendant to move to bring on the trial, inaſmuch as he had cauſed the record to be made, and had given notice of trial to the diſtrict-attorney; and that this right would be inſiſted upon whenever the Attorney-general was ready to proceed. Beſides, he remarked, it would have been very ſtrange if he had expreſſed himſelf in the manner ſtated by his honor, as he, at that very moment, had in his hands the affidavit, which had been prepared for the expreſs purpoſe of making an application to put off the trial. The other counſel for the defendant alſo declared that Mr. Van Neſs had been miſunderſtood by his honor.] His honor, however, ſaid he could not have miſunderſtood what had been ſaid; and concluded by ſaying, that, however this might be, he would not put off the trial; for, even if the witneſs to prove the truth of the publication, was in court, he would not ſuffer him to be examined on that point. He ruled, therefore, that the cauſe proceed to trial.

(TO BE CONTINUED)

Miſcellany.

FOR THE BALANCE.

Meſſrs. EDITORS,

IF you think the following trifle worth a place in your paper, it is at your diſpoſal. The calculations, even to men of figures, may at firſt appear extravagant; they are, however, correct.

LOUISIANA.—*That the public may* perfectly comprehend the amount of ſpecie to be paid by our government for the purchaſe of Louiſiana, it may be well to preſent to their view, its magnitude by other repreſentations than by numerical characters. Inſtead of ſtating, that it coſt us 15,000,000 dolls. let us, to be better underſtood, obſerve, that if the whole number of dollars to be paid, were piled one upon the other, that they would create a column, towering in the clouds, of twenty-ſix miles in height. If laid flat-wiſe, in a ſtrait line, they would extend from Baltimore in Maryland, to Albany in this ſtate, or three hundred and fifty-five miles. If paid in quarter dollars, and placed the ſame way, they would make a line longer than the diſtance from New-York to Charleſton in South-Carolina, or nine hundred and forty-ſeven miles. If in cents, they would belt five times round the United States, or twenty four thouſand two hundred and forty-two miles. If ſpread upon a level piece of ground, ſo as that each dollar ſhould touch the other on every ſide, they would be found to cover five acres and a half of land: and if we ſuppoſe the fifteen million to be carted from our Treaſury to be ſent to France, and allowing one thouſand weight as a load for a waggon, and one pair of horſes, we ſhould require ſeven hundred and fifty waggons, and fifteen hundred horſes to convey them.

After the reader ſhall have examined and diſcovered the accuracy of the above ſtatement, let him calculate the annual intereſt of the purchaſe money, the expence attending the ſettlement, protection and other incidental charges which the poſſeſſion of that country muſt neceſſarily occaſion, and ſay, if our government has done wiſely, to give ſo vaſt a ſum for a tract of country which as our Miniſter obſerves, "can only be cultivated by ſlaves and not to advantage by them." It would appear, that nothing could juſtify this departure from Democratic economy, unleſs it be the mathematical rule by which they demonſtrate, that the ſalaries of public officers when beſtowed on federaliſts, were ſhamefully extravagant, but, enjoyed by democrats, wonderfully moderate.

FROM THE U. S. GAZETTE.

IT is well known that one of the principal cenſures caſt upon the adminiſtration of gen. Waſhington was grounded upon the funding ſyſtem. It has been a theme of continual abuſe in all the democratick papers. Yet thoſe very papers are now extolling the wiſdom of Mr. Jefferſon in adding eleven millions of dollars to the funded debt of the United States. Great clamour was raiſed againſt the adminiſtration of Mr. Adams becauſe he did not effect a greater reduction of the national debt, though it was continually diminiſhed, notwithſtanding the enormous expenſe to which the country was ſubjected in quelling the inſurrections of the democrats, and in protecting ourſelves againſt their friends, the French plunderers. Now, in a time of profound tranquility, the national debt is to be increaſed fifteen millions of dollars in one year, for the purchaſe of a country moſt of which is uninhabited and totally uſeleſs to the United States.

Be it our weekly task,
To note the passing tidings of the times.

HUDSON, *Auguſt* 30, 1803.

The following afflicting circumſtance lately occurred in the neigbourhood of Morris River, in Weſt New-Jerſey. A woman went in ſearch of a hen's neſt, and finding a hollow log, ſuppoſed the fowl might be in it, and ſent a little girl, her daughter, to look for it;—the child no ſooner entered the log than ſhe informed her mother the hen bit at her, and would not come off the neſt; the mother told the child to pull her off—after waiting a ſhort ſpace, and hearing nothing of the child, ſhe called to her but received no anſwer; the father of the child being called, ſplit open the log, and found ſeveral rattle ſnakes entwined round the body of the child, and one around her neck, and ſhe had been bitten in ſeveral places, and quite dead.

[*New-York paper.*]

From a Raleigh, (N. C.) paper of July 18.

A little daughter of Capt. Iſaac M'Callum, of this county, met a premature death on Wedneſday by the bite of a ſnake or ſome other poiſonous reptile or inſect. The child, while gathering blackberries in an adjoining field, a little before ſun-ſet, ſuddenly cried out very bitterly. A negro went immediately to its aſſiſtance, when ſhe complained of being ſtung by a nettle; but from the wound which appeared, and from the fatal conſequence which followed, it is believed a highly venomous ſnake had bitten her in the inſtep of one of her legs. Her limbs immediately began to ſwell and look black, and ſo rapid was the poiſon (no effectual means having been taken to counteract it) that the next morning the child was—a corpſe.

LONDON, JUNE 24.

Some private letters were yeſterday received from the Hague and Bruſſels, the contents of which are of conſiderable importance. An Army of reſerve, to which has been given the name of the *Army of England*, is now forming at Daventer, under the command of General Deſolles; and the number of troops already aſſembled between that place and Fluſhing, is eſtimated at a little ſhort of 80,000 men. An encampment is immediately to be formed upon the Downs, near Dunkirk, and ſeveral regiments are ſtationed between Calais and Boulogne. More troops are under orders for the ſame quarter, and there is very little doubt of the whole being deſtined for the meditated attack on this country. According to a letter from Bois le Duc, forty battalions were ſhortly expected to paſs through that place, to join the "Armies of England and Hanover;" and a number of freſh troops have lately been marched to ſeveral parts of Holland.

JUNE, 30.

We are extremely happy to find the unjuſtifiable proceedings of the French Government in the ſeizure of Hanover, have at length induced miniſters to adopt that ſpirited and deciſive line of conduct, which can alone put a ſtop to aggreſſions, which would otherwiſe know no end. The following was ſtuck up at Loyd's yeſterday:

"Laſt night Lord Hawkeſbury communicated to the Foreign Miniſters, that his Majeſty had determined, that the entrance of the Elbe ſhould be blockaded in the ſtricteſt manner."

MARRIED,

On Sunday evening, the 21st inſt. at Claverack, PHILIP S. PARKER, Eſq. Attorney at Law, of this city, to Miss JENNET MONELL, daughter of Dr. Monell, of Claverack.

To Readers.

Holt, in his laſt Bee, has made an attempt to get over his meanness towards his correspondent, "Cato," by a little wit—conſiderable prevarication—and a number of plump falſhoods. He ſays, Cato's eſſay "is composed of ſophiſtry, ſlander, abuſe, and libels on the preſident of the United States." A man muſt be poſſeſſed of an uncommon ſhare of impudence, who can make ſuch an aſſertion as this, when he muſt have known that the piece was to appear in the Balance, and that at leaſt a part of his readers would have an opportunity of ſeeing it. The *ſophiſtry* that Holt complains of, is ſound and unanſwerable argument, which he was afraid to lay before his readers. Of *ſlander* and *abuſe*, the piece contains not a ſyllable. And ſo far from its containing *libels* on the preſident of the United States, it is well known, that the *preſent* preſident is not once mentioned in the piece. But even admitting that the piece is as bad as Holt repreſents it—is this any excuſe for his altering the addreſs, ſignature, &c. No! there is as complete a contraſt between this conduct and what is honeſt and honorable, as there is between the characters of "Cato" and "Mark Anthony."

The writer in the Balance, who uſes the ſignature of "Calculator," perceives that in his ſecond number he was *incorrect*, in ſtating that the ſum, that has been promiſed for Louiſiana, is more than all the gold and ſilver coin in the Union. According to Mr. Blodget's Statiſtical Table, the whole metalic medium circulating in the United States, is ſixteen million and five hundred thouſand dollars; which is one million two hundred and fifty thouſand dollars more than the ſum, which is ſaid to have been engaged in the purchaſe of Louiſiana.

There is, however, cauſe to conclude that the quantity of gold and ſilver coin has decreaſed, in the United States, ſince Mr. Blodget's Table was made; and that it is now decreaſing.

NOTICE.

☞ We are ſorry to learn that the moſt unfounded reports have been circulated in the neighbouring towns with reſpect to the health of this city. It is conjectured that ſome perſon has attempted to give currency to the rumour from ſiniſter motives. We aſſert, and we pledge ourſelves for the correctneſs of the aſſertion, that the city, to our knowledge, was never more healthy than at this time. There is no perſon ſick with a malignant fever, nor is there any prevailing epidemic within the city.

The Wreath.

FOR THE BALANCE.

Messrs. Editors,

The following production was actually picked up in Hudson a few days since. If it contains nothing objectionable, you will gratify a friend to your paper by giving it a place in the *Wreath*.

THE POST-MAN's SOLILOQUY.

In the dry firm enclosure of a pair
Of saddle-bags, a week's whole treasure lies,
Of Gazettes, Balances and Bees, fit stuff
T' embroil the head of many a woeful wight,
Who reads their whole contents, in ale-house, inn,
Club-room, or 'mong some social band, made wise
By such deep lore, where every nation's strength,
Its rights and policies are found. Just so,
In times e're this, Cervantes' frantic knight,
From various reading, in book-knowledge deep,
Went round his native land to make mankind
Against their will be good, and bear the fame
Of his fair Dulcinea thro' the world.

Come, then, *Gazette*, wet yet from press—full oft
You've told me truth—henceforth continue thus:
Be still to virtue's cause a constant friend;
Nor give a page to party's lying tale.

Thou *Balance*, come—spread thy instructive page
Wide as our land's extent;—still watch the steps
Our country's rulers take; nor suffer them,
When wrong, t' escape the lash thy pen can give.

Come, thou, most servile, temporising *Bee*,
Of such materials form'd, as serves to shew
That bad must be with good combin'd, to make
A world. Nor peace or war thy love or hate;
But that which serves thy party's ends, serves thine.
A *Bee*, thou call'st thyself—thy honey such
As from the nettle or dire night-shade springs.
From ministerial papers copy fast—
For thy wax-head can't ooze a thought to light,
That thou, with certainty, canst call thy own.

Whilst Stoddard finds his way to many a friend,
And tells the "passing tidings" as they rise;
The *Bee*, fraught full of trash, cull'd here and there,
From papers vile, whose authors hirelings are,
Vents weekly malice 'gainst the fed'ral band.
Hard on his heels the *Balance* treads—the lies
He notes, and them explodes, fast as they're told.
Stings more than honey this poor *Bee* delights.
The *Balance* blunts its sting and spoils its pow'r:
Nay, more—it weighs what's to the market brought
For sale, and finds two grains of sense will weigh
It down. Thus fares when truth the balance holds.

Must I, whilst thus I ride the country round,
Such fabricated falshoods spread 'mong men?
But such th' unhappy lot of poor mankind,
That some will sooner hear such tales, than those
Which virtue propagates. The lowly herd,
Whilst they are railing 'gainst the rich and great,
Are blindly making some vain, crafty man
A demagogue, to rule themselves at will.

Is there a Doctor rides around, that in
His saddle-bags such potent physic has?
He may his jallaps, his emetics give:
They gripe and writhe a while; but none effect,
Save those who drink. But they who take one dose
Of these, forthwith, as if electrified,
Their passions rise, their prejudice grows strong—
Nor for the hour, but length of time endures.

To me, poor hawking news-man, one will say,
Is Croswell guilty found? We hope he's not;
For then our children must be lying taught,
And truth be banish'd to the Indian tribes,
To Hottentots, or Sameeida's land.
When great men can't bear truth—when to the laws
By tyrants made, they must resort, themselves
To justify, then is our government
To tyranny debas'd, our freedom's gone.

Thus he, another says, how dare that man
Our president defame. Ought he not know,
Like England's king, his person's sacred made;
Nor to be sported with by such vile men,
Who weaken confidence to our head supreme—
Prison and fine—may they his portion be!

Another asks, if in Louisiana
Adventurers can, at once, their fortunes make?
Whether the president will patents grant?
Or, if the great in power will sell the land,
As formerly M'Comb's vast tract was bought?
To satisfy, at once, these and much more,
I pull the papers out, and let them read—
Then judge themselves—here my commission ends;
For who so wise t' instruct half-learned fools?

By day my business urges, and I haste
T' escape the tongue of ignorance and prate;
But when, for night, I've to the tavern got,
There oft I hear the learned demagogue,
(For each small circle one of these can boast)
In language blustering and loud, explain
The fate of kingdoms, empires and great states.
His silent hearers plac'd around, applaud,
And, with loud noise, dethrone all Europe's kings.
Such noise as once was heard at Windham town,
When bull-frogs, in their march, put all to flight,
And threaten'd revolution to the world.
Glad, when the hour of sleep arrives, to bed
I his—and such great politicians leave.

Diversity.

LIMA, the capital of Peru, in South-America, is a place of immense riches. "One remarkable fact is sufficient to demonstrate the wealth of this city. When the viceroy, the Duke de la Palada, made his entry into Lima, in 1682, the inhabitants to do him honour, caused the streets to be paved with ingots of silver, amounting to seventeen million sterling.

"All travellers speak with amazement of the decorations of the churches, with gold, silver, and precious stones, which load and ornament even the walls."

It is declared in a European Magazine, that the dress even of a private citizen's lady, at Lima, sometimes costs more than forty thousand dollars. The ladies there are dressed entirely in laces, instead of linen, and sparkle with rich diamonds.—What a Paradise for women!

THE regalia, which distinguish the chiefs of Amazonia, in South-America, are a crown of parrots' feathers, a chain of tiger's teeth or claws, which hang round the waist; and they wear *a wooden sword*.

A CERTAIN Courtier to whom Queen Elizabeth had given her promise to promote him, began to grow impatient at the delay. One day the Queen perceived him in the palace garden, and looking out of the window asked him, "What does a man think of when he thinks of nothing?" To which, after a very short pause, he replied, "Madam, he thinks of a woman's promises."

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